

**CASE CUP#012-13 & V#111-13**

Valley Partners d/b/a Hennessy Honda of Woodstock
8931 Highway 92

Council Ward: Ward 2

Evaluation Prepared by: Patti Hart

Applicant: Valley Partners Real Estate, LLC
d/b/a/ Hennessy Honda
8931 Hwy 92
Woodstock, GA 30189

Owner: Ralph W. Donald

Parcel #: 15N12 061B

Location: 8825 Hwy 92

Area: 2.0 +/- ac.

Request: Conditional Use Permit to allow "Storage Facility" for automobile dealership with concurrent variances requested in case V#111-13.

Proposed Use/

Purpose: Passive storage of overflow vehicles for adjacent Hennessy Honda of Woodstock dealership.

Current Zoning: GC with Parkway Overlay District Zoning

Current Land Use: Car Wash

Future Land Use: Regional Activity Center

Surrounding Properties:

	Current Zoning	Current Land Use
North	Cherokee County R-20	Residential SFD
East	GC w/ Parkway Overlay	Commercial – Big Lots
South	GC w/ Parkway Overlay	Commercial - Woodstock Square
West	GC	Residential SFD

Input Meeting: March 28, 2013

DPC Meeting: April 3, 2013

PC Meeting: May 2, 2013

Council Meeting: May 13, 2013

Executive Summary:

The applicant is seeking a Conditional Use Permit with concurrent variances (Case V#111-13) in order to redevelop the property for use as an overflow vehicle storage lot in conjunction with the adjoining Hennessy Honda Auto Dealership. The applicant states that, based on American Honda franchise requirements for our specific market area, Hennessy Honda of Woodstock is deficient with regards to the minimum required parking spaces. The acquisition of the property will allow Hennessy to meet the minimum requirements and reduce the need for satellite parking areas that are currently used to conduct normal operations. Those offsite lots are far from ideal from either a logistics or from a security standpoint. The applicant contends that the proposed location for the vehicle storage lot will allow the dealership to remain in the city limits while at the same time satisfying the minimum requirements necessary to meet their franchise agreement with American Honda.

Concurrently with the Conditional Use, the applicant seeks the following variances:

1. A variance is requested to LDO section 7.928 to reduce the buffers to 25' in accordance with the site plan submitted.
2. A variance is requested to LDO section 9.200(1(b)) to waive the requirement to place trees and landscape Islands required in public parking lots.
3. A variance is requested to LDO section 7.762(6) to waive the requirement to connect each space with a street; double depth parking spaces shall be permitted.

Zoning History:

There are no previous zoning actions associated with this the property. The Woodstock Car Wash was developed in accordance with GC and Parkway Overlay development guidelines.

Criteria for Consideration of a Conditional Use Request:

Woodstock LDO Section 7.503- Conditional Use Permit Review Criteria, provides the following criteria which must be considered in reviewing Conditional Use requests:

(a) Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.

Staff feels the redevelopment of this site from an active car wash to a passive car storage lot will not have an adverse effect on the surrounding area.

(b) Whether or not the use is otherwise compatible with the surrounding area.

The subject property is abutted by an established residential neighborhood to the north and east, and by general commercial uses to the west and south, including an automobile dealership immediately to the south. The storage lot will be compatible with the pattern of development in the immediate area within the Highway 92 corridor.

(c) Whether or not the use proposed will result in a nuisance as defined under state law.

The proposed use could potentially cause spillover of light onto adjacent residential properties. This can be addressed through adequate buffers.

(d) Whether or not quiet enjoyment of surrounding property will be adversely affected.

The proposed use is expected to be less impactful to the quiet enjoyment of surrounding property than the noise generated by the mechanical car wash.

(e) Whether or not property values of surrounding property will be adversely affected.

There should be no adverse affect suffered by surrounding properties as a result of the car wash being converted to a vehicle storage lot.

(f) Whether or not adequate provisions are made for parking and traffic considerations.

This property will not be accessible to the public. No additional traffic is expected to be generated by this proposed vehicle storage lot on the subject site.

(g) Whether or not the site or intensity of the use is appropriate.

The proposed storage lot is located between the existing Hennessy Honda Dealership and a residential subdivision. Staff views this as an appropriate transition from intense commercial to residential Single Family Detached at two units per acre.

(h) Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Town Plan

The Regional Activity Center provides for an employment and retail oriented town center. The proposed vehicle storage lot will facilitate the continuation of a successful local business which is an important employment and retail base for the surrounding area.

(i) Whether or not adequate provisions are made regarding hours of operation.

If the request is approved, staff recommends a condition that, “No deliveries shall be allowed between the hours of 11pm and 7am.”

(j) Whether or not adequate controls and limits are placed on commercial and business deliveries.

If the request is approved, staff recommends a condition that, “No deliveries shall be allowed between the hours of 11pm and 7am.”

(k) Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.

In staff’s opinion, the existing buffer is adequate to provide a year-round opaque buffer to the three residential properties abutting the proposed storage lot. There is dense vegetation surrounding the existing detention pond at the northern end of the property, which will remain undisturbed. Cherokee County Planning Director, Jeff Watkins, expressed to city staff that it is his hope, along with Board Of Commission representative Jason Nelms who spoke with some of the surrounding residents, that if relief is granted from Sec 9.2, [any trees not planted in the parking area per the code be instead planted in a buffer between the proposed development and the adjacent residents.](#)

(l) Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.

Staff has no public health, safety, welfare or moral concerns in regard to the redevelopment of this property from a car wash to a vehicle storage lot.

(m) Whether the application complies with any applicable specific requirements set forth in this chapter for Conditions Use permits for particular types of uses.

The table below outlines the Zone District Performance Standards for commercial development within the Parkway Overlay District, as outlined in LDO Section 7.928:

	Ordinance Requirement	Proposed	Compliance
Front Setback	20 Feet	N/A	N/A
Side Setback	10 feet	N/A	N/A
Rear Setback	30 feet	N/A	N/A
Buffer (Comm)	40 feet	25	NO
Buffer (SFD)	75 feet	25	NO
Maximum Height	40 feet	N/A	YES

A Conditional Use Permit is required for Storage Lots in the General Commercial district.

(n) Whether the applicant has provided sufficient information to allow full consideration of all relevant factors.

The applicant has submitted all materials required for consideration of the Conditional Use request. Materials provided by the applicant are adequate to allow for full consideration of all relevant factors.

(o) Whether the Conditional Use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards

Staff is unaware of any odors which may be generated by the granting of this use.

V#111-13

Criteria for Consideration of a Variance Request:

Woodstock LDO Section 10.160- Variances, provides the following criteria which must be considered as the Planning Commission and City Council review variance requests:

(a) There are exceptional and extraordinary conditions pertaining to the particular piece of property in question, due to its size, shape or topography.

There is a large, shared detention pond to the rear of the property which significantly reduces the area available to redevelop the site. Furthermore, the lot is rather narrow, thereby limiting the developable area. Development without relief from the Parkway Overlay 75 foot buffer would further reduce the developable area.

(b) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

Application of these regulations to the subject site would present a practical difficulty in utilizing the site as proposed, due to the limited developable area of the site.

(c) Such conditions are peculiar to the particular piece of property involved.

The detention pond is entirely on this property but is also utilized by the Big Lots property.

(d) A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

A literal interpretation of this ordinance would not deprive the applicants of any rights that others in the same district are allowed. The requirements of the Land Development Ordinance are applied to all properties within the City and within the Parkway Overlay District. Any variances from the standards of the

ordinance are subject to review of City staff and the Planning Commission, and consideration by Mayor and Council.

- (e) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.**

There is no expected detriment to the public good in the granting of relief.

- (f) Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.**

The shared detention pond is a feature unique to this parcel, as is the width of the parcel. Both of these factors contribute to the difficulty in its development as a storage lot sufficient to accommodate access and turn lanes for safe and efficient access and storage of vehicles.

- (g) Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.**

Granting of this application is necessary for the applicant to utilize the subject site as proposed.

- (h) The condition from which relief or a variance is sought did not result from willful action by the applicant.**

The applicant is seeking to purchase this property as currently developed and to redevelop it to accommodate the storage lot use. The demolition of the existing building and redevelopment of the parking/storage lot require full compliance with the code which would render the site practically undevelopable for use of a functioning vehicle storage lot due to the application of 75 and 40 foot buffers across the width of the lot

- (i) Authorizing of the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the City.**

There will be no vertical development on this property affecting air and light supply to neighboring properties, nor will the storage lot use increase traffic to the area, diminish property values or impair the health, safety, comfort, morals or general welfare of the area inhabitants.

Recommendation:

At the April 3, 2013, meeting the Development Process Committee voted to recommend approval of CUP#112-13 and V#111-13 with conditions, as follows:

1. A variance is granted to LDO section 7.928 to reduce the buffers to 25'.
2. A variance is granted to LDO section 9.200(1(b)) to waive the requirement to place trees and landscape islands required in public parking lots.
3. A variance is granted to LDO section 7.762(6) to waive the requirement to connect each space with a street; double depth parking spaces shall be permitted.
4. The use of loudspeakers and outdoor amplification devices is prohibited on the applicant's property, including the existing new car lot and existing used car lot.
5. All lighting used on the property shall be Dark Skies compliant, mounted on light poles between twelve (12) and fifteen (15) feet in height, and dimmers shall be utilized between 12AM to 6AM to provide adequate lighting for security while minimizing light nuisance to neighboring residential properties.
6. No deliveries shall be allowed between the hours of 11pm and 7am.
7. The applicant agrees to continue to work on a dark skies compliant and energy efficient lighting program to retrofit the entire site, including the existing new car lot and existing used car lot.
8. No structures for the sales or service of cars shall be permitted on the property. In accordance with use matrix, LDO sec 7.505, the property shall be used purely as a parking/storage lot, not an extension of the sales or service department.
9. A six foot high cedar fence shall be maintained along the eastern property boundary to screen the vehicle storage lot from view of the adjoining single-family residences.

Attachments:

- Zoning Map
- Site Plan
- Aerial
- Site Photos